

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:92CR14
	)	
v.	)	
	)	
CHRISTOPHER ALLEN SCOTT,	)	MEMORANDUM OPINION
	)	
Defendant.	)	
_____	)	

This matter is before the Court on the motion of defendant Christopher Scott to vacate, set aside or correct his sentence (Filing No. [1243](#)). This is not the first motion defendant has filed pursuant to 28 U.S.C. § 2255.

A petitioner seeking to file a second or successive § 2255 motion challenging their conviction or sentence must first obtain circuit court certification. 28 U.S.C. § 2255(h). Because the defendant has not received approval from the Eighth Circuit to file a second or successive § 2255 motion, the Court lacks jurisdiction over his claims. *See, United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000); *United States v. Alvarez-Ramirez*, 128 F.Supp.2d 1265, 1267 (C.D.Cal. 2001). Lacking jurisdiction, defendant's motion will be dismissed

without prejudice. A separate order will be entered in accordance with this memorandum opinion.

DATED this 23rd day of January, 2014.

BY THE COURT:

/s/ Lyle E. Strom

---

LYLE E. STROM, Senior Judge  
United States District Court